

D.T.E. 01-70

ORDER OF NOTICE

Pursuant to 220 C.M.R. § 1.06(5)(d), Fiber Technologies Networks, L.L.C. is required to publish the attached Notice of Filing and Public Hearing at least 14 days prior to October 18, 2001 in The Boston Globe and Worcester Telegram & Gazette. Fiber Technologies Networks, L.L.C. is also required to make return of service and publication at the time of the public hearing.

By Order of the Department,

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Mary L. Cottrell, Secretary

## NOTICE OF FILING AND PUBLIC HEARING

D.T.E. 01-70

Complaint of Fiber Technologies Networks, L.L.C., pursuant to G.L. c. 166, § 25A and 220 C.M.R. § 45.00, et seq. regarding access to poles owned or controlled by Shrewsbury's Electric Light Plant.

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Pursuant to G.L. c. 166, § 25A and 220 C.M.R. § 45.00, et seq., Fiber Technologies Networks, L.L.C. ("Fibertech") filed a complaint with the Department of Telecommunications and Energy ("Department") alleging that it has been wrongfully denied access to poles owned or controlled by Shrewsbury's Electric Light Plant ("SELP"). Specifically, Fibertech alleges that SELP has an obligation to provide, on a non-discriminatory basis, access to certain poles SELP either owns or controls for the purpose of attaching Fibertech's communications fiber optic cables. SELP alleges that Fibertech is not a licensee with the right to attach its fiber to SELP's poles, arguing that Fibertech's proposed attachments are not of the type within the protections afforded by G.L. c. 166, § 25A and 220 C.M.R. §§ 45.00, et. seq. This matter has been docketed as D.T.E. 01-70.

The Department will hold a public hearing to receive comments on Fibertech's complaint. The hearing will take place at the Department's offices, One South Station, 2<sup>nd</sup> Floor, Boston, Massachusetts on October 18, 2001, at 10:00 A.M. A procedural conference is scheduled to follow immediately thereafter. The complaint and responsive pleadings may be inspected at the Department's offices, Monday through Friday, between the hours of 9:00 A.M. and 5:00 P.M. Any person wishing to submit comments in writing on the complaint in this docket should file comments with Mary L. Cottrell, Secretary to the Department of Telecommunications and Energy, One South Station, 2<sup>nd</sup> Floor, Boston, Massachusetts 02110 by October 18, 2001. All comments exceeding ten pages in length must be accompanied by an executive summary, of no more than two pages, double-spaced.

Any person who desires to participate in the evidentiary phase of this proceeding must file a written petition for leave to intervene or to participate in the proceeding with Mary L. Cottrell, Secretary, Department of Telecommunications and Energy, One South Station, 2<sup>nd</sup> Floor, Boston, Massachusetts 02110, not later than the close of business (5:00 PM) on October 16, 2001. A petition for leave to intervene must satisfy the timing and substantive requirements of 220 C.M.R. § 1.03. Receipt by the Department -- not mailing -- constitutes filing and

determines whether a petition has been timely filed. To be allowed, a petition under 220 C.M.R. § 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10.

Any written pleadings or comments must also be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to [dte.efiling@state.ma.us](mailto:dte.efiling@state.ma.us); or (2) on a 3.5" disk, IBM-compatible format. The text of the e-mail or the disk label must specify: (1) the docket number of the proceeding (D.T.E. 01-70), (2) name of the person or company submitting the filing, and (3) a brief descriptive title of the document (e.g. Comments or Petition to Intervene). The electronic filing should also include the name, title and phone number of a person to contact in the event of questions about the filing. Text responses should be written in either Word Perfect (naming the document with a ".wpd" suffix), in Microsoft Word, (naming the document with a ".doc" suffix) or as an Adobe PDF file (naming the document with a ".pdf" suffix). Data or spreadsheet responses should be compatible with Microsoft Excel. All comments submitted in electronic format will be posted on the Department's Website, <http://www.magnet.state.ma.us/dpu>.